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FISCAL IMPACT STATEMENT

LS 6689

BILL NUMBER: SB 302

NOTE PREPARED: Jan 25, 2008

BILL AMENDED: Jan 24, 2008

SUBJECT: Professional and Occupational Licensing.

FIRST AUTHOR: Sen. Mishler

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

Simultaneous Communication at Board Meetings- The bill allows for participation in professional license board emergency meetings concerning disciplinary sanctions by means of communication that permit all members to simultaneously communicate.

Renewal of Expired Certificates and Licenses- The bill makes changes in the procedures for renewal of expired certificates and licenses, and provides that the Professional Licensing Agency (PLA) sets the times for license renewals for: (1) accountants; (2) acupuncturists; (3) architects; (4) landscape architects; (5) athletic trainers; (6) auctioneers; (7) auction houses; (8) auction companies; (9) barbers; (10) cosmetologists; (11) tanning facilities; (12) chiropractors; (13) dental hygienists; (14) dentists; (15) dietitians; (16) embalmers, funeral directors, and funeral homes; (17) health facility administrators; (18) hearing aid dealers; (19) home inspectors; (20) hypnotists; (21) land surveyors; (22) physicians; (23) nurses; (24) manufactured home installers; (25) optometrists; (26) pharmacists, pharmacies, drug stores, and home medical equipment service providers; (27) plumbers; (28) podiatrists; (29) private investigator firms, security guards, and polygraph examiners; (30) professional engineers; (31) environmental health specialists; (32) psychologists; (33) real estate brokers and sales persons; and (34) speech pathologists and audiologists.

Architects & Accountants- The bill makes changes to the qualifications for licensing of out-of-state architects and accountants. The bill makes changes to the qualification criteria for approval to sit for the licensing examination for architects.

Collaborative Practice Agreements- The bill prohibits advanced practice nurses from entering into

collaborative practice agreements with physician assistants.

Health Facilities Administrators Board- The bill reduces membership on the State Board of Health Facility Administrators from 14 to 11, and makes conforming changes.

Physician Provisional Licenses- The bill establishes qualifications for a provisional license for physicians.

Definitions- The bill adds a definition of "dispense" to the law concerning controlled substances.

Advance Practice Nurses- The bill provides that advanced practice nurses with prescriptive authority are subject to certain restrictions regarding drug samples.

Accountants- The bill makes changes to the membership of the Board of Accountancy.

Miscellaneous Provisions and Repealers- The bill makes other changes relating to the law concerning occupations and professions. The bill repeals a provision allowing real estate brokers and salespersons to use a notice of passing the required licensing examination as a temporary permit to practice. The bill repeals superseded sections in the licensing laws and a definition of "dispenser" in the controlled substances law.

Effective Date: July 1, 2008.

Explanation of State Expenditures: (Revised) *Simultaneous Communication at Board Meetings-* This provision could provide minimal savings to board and committee expenditures. If certain board or committee members did not have to travel to a particular location in order to discuss a licensee disciplinary matter, there would be a savings to the PLA in the form of reduced mileage compensation. The amount of potential savings to state expenditures would depend on the number of emergency meetings for disciplinary action conducted under the requirements of this provision. [The PLA expended \$95,027 in mileage reimbursement during FY 2007.]

Renewal of Expired Certificates and Licenses- This provision should have a minimal impact to board and PLA expenditures to implement. The provision would give the boards more authority to determine whether a particular applicant would have to sit for their profession's examination if the license was expired for more than three years (four in certain cases). Boards would be able to more closely evaluate each renewal applicant on a case-by-case basis.

Background- This provision would attempt to conform the above-listed professional boards and committees to the requirements of IC 25-1-8-6 for purposes of renewal of an expired license. With limited exceptions, the bill would conform each of these board statutes to reflect the three- or four-year grace period for renewal allowed under current law. For licenses renewed before the grace period has elapsed, the renewal provisions under IC 25-1-8-6(c) would apply. These provisions include the following:

- A. Submission of the renewal application.
- B. Payment of the current renewal fee established by the particular professional board.
- C. Payment of a reinstatement fee established by the PLA.
- D. If required, a sworn statement, signed by the license holder, that continuing education requirements have been fulfilled. Otherwise, the license holder must meet any other additional requirements of current law.

If the grace period has expired, then IC 25-1-8-6(d) would apply, which includes the following requirements for renewal:

- A. Submission of the holder's completed renewal application.
- B. Payment of the current renewal fee established by the board under Section 2 of this chapter.
- C. Payment of a reinstatement fee equal to the current initial application fee.
- D. If required, a sworn statement, signed by the license holder, that continuing education requirements have been fulfilled. Otherwise, the license holder must meet any other additional requirements of current law.
- E. Complete remediation and additional training as determined by the board.
- F. Any other requirement that is provided for in statute or rule that is not related to fees.

Architects- The Architecture Board would have to develop rules establishing requirements for an intern development program. The Board would likely be able to accomplish the rule making during scheduled business meetings.

Health Facilities Administrators Board (HAFB)- Reduction in membership of the HAFB would provide minimal savings in per diem and mileage costs to the PLA.

Explanation of State Revenues: *Collaborative Practice Agreements-* Under the bill, collaborative practice agreements between an advanced practice nurse and physician's assistants would no longer be allowed. A violating agreement would constitute a Class B misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class B misdemeanor is \$1,000. However, any additional revenue would likely be small.

Physician Provisional Licenses- This provision could increase state revenues by placing certain physicians under a provisional license that otherwise would not qualify for a standard physician's license. The fee for a provisional license under the bill would be \$250, the same as an endorsement for an initial standard physician's license.

(Revised) *Advance Practice Nurses-* Under current law, a practitioner (which under the bill would include advance practice nurses) that knowingly or intentionally violates drug sample law commits a Class B misdemeanor. Any revenue that may be generated by this provision in the form of fines and court fees is likely to be minimal.

Explanation of Local Expenditures: *Collaborative Practice Agreements-* A Class B misdemeanor is punishable by up to 180 days in jail.

Explanation of Local Revenues: *Collaborative Practice Agreements-* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

State Agencies Affected: Professional Licensing Agency.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: State Budget Agency: Auditor's Data.

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